

REMARKS

The Office Action and the cited and applied reference have been carefully reviewed. No claim is allowed. Claims 1-14, 18-20 and 22-34 presently appear in this application, with claims 1-6, 9-14, 18-20 and 22-31 being withdrawn from consideration at this point in prosecution, and define patentable subject matter warranting their allowance. Reconsideration and allowance are hereby respectfully solicited.

Claims 7, 8 and 32-34 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. This rejection is obviated by the amendment to claim 7(b), as supported in the present specification at page 6, line 4.

Reconsideration and withdrawal of the rejection are therefore respectfully requested.

Claim 7 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Tsui, US Patent 6,130,067. This rejection is respectfully traversed.

Claim 7 is amended to recite for a peptide sequence of 4-55 amino acid residues in length. Support for the upper limit of "55" residues is found in paragraph [0042] on page 9 of the present specification and support for the lower limit of "4" residues is found for example, at page 7, paragraph [0031] (a) and (b), where the disclosure of 5 amino acid residues minimum is combined with the possibility of deleting 20% of the amino acids

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in the variant. Applicants believe that no new matter is added by the amendments to the claims.

Tsui discloses the amino acid sequence of the entire ED3sb polypeptide as well as the entire nucleotide sequence coding for this polypeptide. However, there is no disclosure or teaching whatsoever of short active peptides, as recited in the present claims. Accordingly, Tsui cannot lead one of ordinary skill in the art to the presently claimed invention.

Reconsideration and withdrawal of the rejection are therefore respectfully requested.

In view of the above, the claims comply with 35 U.S.C. §112 and define patentable subject matter warranting their allowance. Favorable consideration and early allowance are earnestly urged.

Respectfully submitted,

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